

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:09CR361
)
v.)
)
CHAD A. POWERS,) ORDER
)
Defendant.)
_____)

This matter is before the Court on the findings and recommendation (Filing No. [34](#)) of the magistrate judge, recommending that the motion to dismiss for improper venue (Filing No. [16](#)) and defendant's motion to dismiss (Filing No. [18](#)) be denied. The defendant has filed a statement of objection (Filing No. [35](#)), together with a brief in support of those objections (Filing No. [36](#)).

The Court has reviewed the motion to dismiss for improper venue and the motion to dismiss, together with the briefs filed by defendant, together with plaintiff's brief in opposition thereto (Filing No. [23](#)), as well as the transcript of the hearing (Filing No. [33](#)), and finds that the findings and recommendation of the magistrate judge should be approved and adopted. Accordingly,

IT IS ORDERED:

- 1) The findings and recommendation of the magistrate judge are approved and adopted.

- 2) The motion to dismiss for improper venue is denied.
- 3) The motion to dismiss is denied.
- 4) Trial of this matter is scheduled for:

Tuesday, June 1, 2010, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. This will give the parties time to pursue plea negotiations or prepare for trial, and the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between April 6, 2010, and June 1, 2010, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h) (8) (A) & (B).

DATED this 6th day of April, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court